

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

YAN LUIS,

Plaintiff(s),

v.

AU NATURALE COSMETICS, LLC,

Defendant(s).

23-CV-2949 (DEH)

ORDER

DALE E. HO, United States District Judge:

Plaintiff Yan Luis filed this action on April 7, 2023. On April 11, 2023, the Court directed the parties to file a joint letter and proposed case management plan by June 12, 2023. ECF No. 6. The parties failed to do so. On June 13, 2023, the Court directed the parties to file their joint letter and proposed case management plan by June 27, 2023. ECF No. 9. The parties failed to do so. On June 28, 2023, the Court extended the parties' deadline to comply to July 12, 2023. ECF No. 10. Once again, the parties failed to do so.

On June 28, 2023, Plaintiff filed a deficient proposed clerk's certificate of default. *See* ECF No. 11. On September 1, 2023, the Court ordered Plaintiff to refile his proposed clerk's certificate of default and move for default judgment by October 2, 2023. ECF No. 12. Plaintiff failed to do so. On October 4, 2023, the Court ordered Plaintiff to refile his proposed clerk's certificate of default and move for default judgment by November 2, 2023. ECF No. 13. Plaintiff did not. Finally, on November 8, 2024, the Court ordered the Plaintiff to refile his proposed clerk's certificate of default and move for judgment by November 16, 2023. ECF No. 15. Plaintiff was warned that failure to comply with the Court's Order would result in dismissal. *Id.* Plaintiff's submission is now overdue.

Rule 41(b) of the Federal Rules of Civil Procedure provides that a district court may dismiss an action if “the plaintiff fails to prosecute or otherwise comply with [the] rules or a court order.” Fed. R. Civ. P. 41(b); *see also Baptiste v. Sommers*, 768 F.3d 212, 216 (2d Cir. 2014). Under Rule 41(b), a district court may dismiss an action *sua sponte* for failure to prosecute after notifying the plaintiff. *LeSane v. Hall’s Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001). Because the Court has not received any response from Plaintiff, including any indication that he intends to pursue this case, the instant action is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to terminate all pending motions and close the case.

SO ORDERED.

Dated: November 21, 2023
New York, New York

A handwritten signature in black ink, appearing to read 'Dale E. Ho', is written above a horizontal line.

DALE E. HO
United States District Judge